



PATENT APPLICATION DECLARATION

(Attorney's Docket No.: PMCS.003US1)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

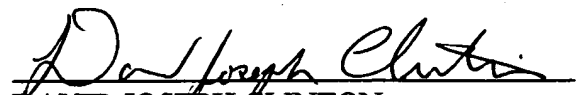
2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "METHOD AND APPARATUS FOR MANAGING DATA TRAFFIC BETWEEN A HIGH CAPACITY SOURCE AND MULTIPLE DESTINATIONS," Serial No. 09/580,532, filed May 26, 2000 and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

4. This application claims priority from provisional patent application Serial No. 60/136,680, filed May 28, 1999, patent application Serial No. 09/574,305, filed May 19, 2000, which claims priority from provisional patent application Serial No. 60/134,959, filed May 19, 1999; and patent application Serial No. 09/569,763, filed May 12, 2000, which claims priority from provisional patent application Serial No. 60/134,119, filed May 14, 1999. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, as defined in §1.56, which occurred between the filing date of the prior applications and the filing date of this application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9-13-00


DAVID JOSEPH CLINTON

Residence and
Post Office Address: 12907 McCubbin Lane
Germantown, MD 20874
(Citizenship: U.S.)

Date: _____

Residence and
Post Office Address:

JONATHAN DAVID LOEWEN
4535 Belcarra Bay Rd.
Belcarra, BC, Canada V3H 4P5
(Citizenship: Canada)

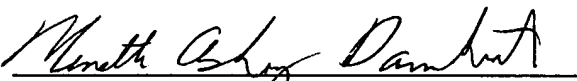
Date: _____

Residence and
Post Office Address:

JEFF DILLABOUGH
5005 Belcarra Bay Road
Belcarra, BC, Canada V3H 4N5
(Citizenship: Canada)

Date: 9-15-00

Residence and
Post Office Address:



MINETTE ASHLEY DANNHARDT
1653 Montmorency Drive
Vienna, Virginia 22182
(Citizenship: U.S.)

Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



PATENT APPLICATION DECLARATION

(Attorney's Docket No.: PMCS.003US1)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "METHOD AND APPARATUS FOR MANAGING DATA TRAFFIC BETWEEN A HIGH CAPACITY SOURCE AND MULTIPLE DESTINATIONS," Serial No. 09/580,532, filed May 26, 2000 and I have reviewed and understand the contents of the specification, including its claims.

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4. This application claims priority from provisional patent application Serial No. 60/136,680, filed May 28, 1999, patent application Serial No. 09/574,305, filed May 19, 2000, which claims priority from provisional patent application Serial No. 60/134,959, filed May 19, 1999; and patent application Serial No. 09/569,763, filed May 12, 2000, which claims priority from provisional patent application Serial No. 60/134,119, filed May 14, 1999. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, as defined in §1.56, which occurred between the filing date of the prior applications and the filing date of this application.

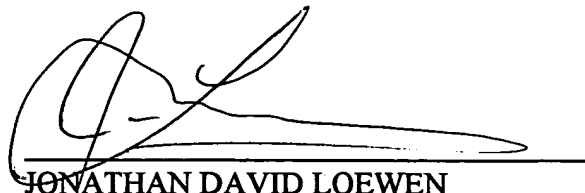
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Date: _____

Residence and
Post Office Address:

DAVID JOSEPH CLINTON
12907 McCubbin Lane
Germantown, MD 20874
(Citizenship: U.S.)

Date: Oct 2/00



Residence and
Post Office Address: JONATHAN DAVID LOEWEN
4535 Belcarra Bay Rd.
Belcarra, BC, Canada V3H 4P5
(Citizenship: Canada)

Date: Oct 10/20



Residence and
Post Office Address: JEFF DILLABOUGH
5005 Belcarra Bay Road
Belcarra, BC, Canada V3H 4N5
(Citizenship: Canada)

Date: _____

Residence and
Post Office Address: MINETTE ASHLEY DANNHARDT
1653 Montmorency Drive
Vienna, Virginia 22182
(Citizenship: U.S.)

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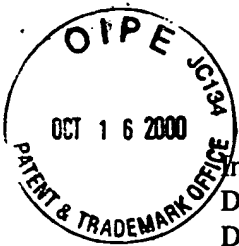
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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
DAVID JOSEPH CLINTON, JONATHAN
DAVID LOEWEN, JEFF DILLABOUGH and
MINETTE ASHLEY DANNHARDT

) Group Art Unit: 2857

) Attorney Docket No.: PMCS.003US1

) Serial No.: 09/580,532

) Filed: May 26, 2000

) For: METHOD AND APPARATUS FOR
) MANAGING DATA TRAFFIC BETWEEN A
) HIGH CAPACITY SOURCE AND
) MULTIPLE DESTINATIONS

) San Francisco, California

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on October 11, 2000.

[Signature] 10/11/00
Signature Date

POWER OF ATTORNEY BY ASSIGNEE

Sir:

The undersigned assignee is the owner of the subject application, having received the full right, title and interest in and to the above-identified patent application by way of a written assignment from Applicants, a copy as submitted for recording is attached hereto, and hereby appoints the practitioners of Majestic, Parsons, Siebert & Hsue P.C. who are associated with the Customer Number provided below to prosecute this patent application, to transact all business in the U.S. Patent and Trademark Office connected therewith, to receive the original Letters Patent, and to substitute or associate other attorneys on its behalf. I further direct that all correspondence be addressed to the following Customer Number:



020227

PATENT TRADEMARK OFFICE

Assignee: **PMC-Sierra, Inc.**

Dated: October 10, 2000

By: [Signature]
Kevin Huscroft

Title: CTO and Vice President of Research & Development



CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicants: DAVID JOSEPH CLINTON, JONATHAN DAVID LOEWEN, JEFF DILLABOUGH
and MINETTE ASHLEY DANNHARDT

Serial No.: 09/580,532

Filed: May 26, 2000


For: "METHOD AND APPARATUS FOR MANAGING DATA TRAFFIC BETWEEN A
HIGH CAPACITY SOURCE AND MULTIPLE DESTINATIONS"

PMCS-Sierra, Inc., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: October 10, 2000

Signature: 

Name: **Kevin Huscroft**

Title: **CTO and Vice President of Research and Development**

Attorney Docket No.: PMCS.003US1

Serial No.: 09/580,532

COPY

ASSIGNMENT

WHEREAS, DAVID JOSEPH CLINTON, a resident of Germantown, Maryland, JONATHAN DAVID LOEWEN, a resident of Belcarra, BC, Canada, JEFF DILLABOUGH, a resident of Belcarra, BC, Canada, and MINETTE ASHLEY DANNHARDT, a resident of Vienna, Virginia, hereinafter referred to as "Assignors," have invented certain new and useful improvements as described and set forth in an application for Letters Patent of the United States entitled "METHOD AND APPARATUS FOR MANAGING DATA TRAFFIC BETWEEN A HIGH CAPACITY SOURCE AND MULTIPLE DESTINATIONS" filed with the U.S. Patent Office on May 26, 2000, under Serial No. 09/580,532;

WHEREAS, PMC-Sierra, Inc., a Corporation of the State of Delaware, having a place of business at 105-8555 Baxter Place, Burnaby, British Columbia, Canada V5A 4V7, hereinafter referred to as "Assignee," desires to acquire the entire right, title and interest in and to said application, said invention, said improvements, and all Letters Patent which may be granted thereon in the United States or any foreign country;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by Assignors,

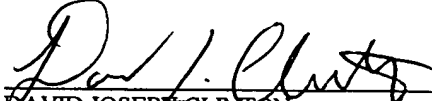
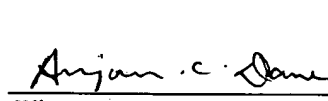
1. Assignors hereby sell, assign, transfer and convey to Assignee the entire worldwide right, title and interest in and to said application, said invention and said improvements, and in and to any and all Letters Patent on said invention and improvements that may be granted by the United States or any foreign country, including any divisions, substitutions, continuations in whole or in part, conversions, reissues, additions or extensions thereof, said interest to be held and enjoyed by Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this Assignment and transfer not been made.

2. Assignors hereby warrant, covenant and represent that they have not heretofore granted any license, right or privilege with respect to said application, invention or improvements, or in any other way encumbered the same, and that they have the full right to make this Assignment.

3. Assignors further agree that at the request and expense of Assignee, but without charge to said Assignee, they will promptly execute all papers necessary or desirable to perfect ownership of said invention, improvements, applications or said Letters Patent, in said Assignee, and will execute all oaths and other papers, within the truth, that are necessary or desirable for prosecuting said application, for use in interference proceedings involving said invention or improvements, for refileing said applications, for filing of said divisional, substitution, continuation or continuation-in-part applications covering said invention or improvements which are deemed necessary or desirable by Assignee, for reissuance or reexamination of said Letters Patent, or for the filing in foreign countries of applications for Letters Patent covering said invention or improvements.



4. The terms, covenants and provisions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignors, their heirs, legal representatives and assigns.

IN TESTIMONY WHEREOF, we have executed and delivered to Assignee this instrument on the dates shown below:

 _____ DAVID JOSEPH CLINTON	<u>9-13-00</u> _____ Date	 _____ Witness	<u>9/13/00</u> _____ Date
--	---------------------------------	--	---------------------------------

_____ JONATHAN DAVID LOEWEN	_____ Date	_____ Witness	_____ Date
--------------------------------	---------------	------------------	---------------

_____ JEFF DILLABOUGH	_____ Date	_____ Witness	_____ Date
--------------------------	---------------	------------------	---------------

 _____ MINETTE ASHLEY DANNHARDT	<u>9-15-00</u> _____ Date	 _____ Witness	<u>9/15/00</u> _____ Date
--	---------------------------------	--	---------------------------------

COPY

ASSIGNMENT

WHEREAS, DAVID JOSEPH CLINTON, a resident of Germantown, Maryland, JONATHAN DAVID LOEWEN, a resident of Belcarra, BC, Canada, JEFF DILLABOUGH, a resident of Belcarra, BC, Canada, and MINETTE ASHLEY DANNHARDT, a resident of Vienna, Virginia, hereinafter referred to as "Assignors," have invented certain new and useful improvements as described and set forth in an application for Letters Patent of the United States entitled "METHOD AND APPARATUS FOR MANAGING DATA TRAFFIC BETWEEN A HIGH CAPACITY SOURCE AND MULTIPLE DESTINATIONS" filed with the U.S. Patent Office on May 26, 2000, under Serial No. 09/580,532;

WHEREAS, PMC-Sierra, Inc., a Corporation of the State of Delaware, having a place of business at 105-8555 Baxter Place, Burnaby, British Columbia, Canada V5A 4V7, hereinafter referred to as "Assignee," desires to acquire the entire right, title and interest in and to said application, said invention, said improvements, and all Letters Patent which may be granted thereon in the United States or any foreign country;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by Assignors,

1. Assignors hereby sell, assign, transfer and convey to Assignee the entire worldwide right, title and interest in and to said application, said invention and said improvements, and in and to any and all Letters Patent on said invention and improvements that may be granted by the United States or any foreign country, including any divisions, substitutions, continuations in whole or in part, conversions, reissues, additions or extensions thereof, said interest to be held and enjoyed by Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this Assignment and transfer not been made.

2. Assignors hereby warrant, covenant and represent that they have not heretofore granted any license, right or privilege with respect to said application, invention or improvements, or in any other way encumbered the same, and that they have the full right to make this Assignment.

3. Assignors further agree that at the request and expense of Assignee, but without charge to said Assignee, they will promptly execute all papers necessary or desirable to perfect ownership of said invention, improvements, applications or said Letters Patent, in said Assignee, and will execute all oaths and other papers, within the truth, that are necessary or desirable for prosecuting said application, for use in interference proceedings involving said invention or improvements, for refiling said applications, for filing of said divisional, substitution, continuation or continuation-in-part applications covering said invention or improvements which are deemed necessary or desirable by Assignee, for reissuance or reexamination of said Letters Patent, or for the filing in foreign countries of applications for Letters Patent covering said invention or improvements.

4. The terms, covenants and provisions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignors, their heirs, legal representatives and assigns.

IN TESTIMONY WHEREOF, we have executed and delivered to Assignee this instrument on the dates shown below:

DAVID JOSEPH CLINTON

Date

Witness

Date

Oct 2/00

JONATHAN DAVID LOEWEN

Date

Witness

Date

JEFF DILLABOUGH

Date

Witness

Date

Oct/10/00

MINETTE ASHLEY DANNHARDT

Date

Witness

Date